BILL NO. S-81-08-31

SPECIAL ORDINANCE NO. S-210-81

AN ORDINANCE approving an Agreement for payment of water main installation between the City of Fort Wayne, Indiana, and Julia M. Seculoff.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated August 5, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Julia M. Seculoff, for:

> payment of water main installation other than through Barrett Law Assessments for the installation of the water main on Olladale Drive, from Betty Avenue southward to Spring Street (Water Improvement Resolution #1020-80),

at a total cost of $20,799.23, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY AUGUST 21, 1981.

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATE: 8-25-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9	0			
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
SCHOMBURG	✓				
STIER	✓				
TALARICO	✓				

DATE: 9-8-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ZONING MAP)~~ ~~(GENERAL)~~ (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE ~~(RESOLUTION)~~ No. S-210-81 on the 8th day of September, 19 81.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 19 81, at the hour of 11:30 o'clock A M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of Sept. 19 81, at the hour of 11 o'clock A M.,E.S.T.

Winfield C. Moses Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-08-31

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN ORDINANCE approving an Agreement for payment of water main installation between the City of Fort Wayne, Indiana, and Julia M. Seculoff

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

PAUL M. BURNS, CHAIRMAN

VIVIAN G. SCHMIDT, VICE CHAIRMAN

BEN A. EISBART

SAMUEL J. TALARICO

ROY J. SCHOMBURG

6-8-81

DATE

CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

8/25/81

11-23-26 H.I.
8/5/81

AGREEMENT FOR PAYMENT OF
WATER MAIN INSTALLATION

THIS AGREEMENT, made this 5th day of August, 1981, by and between JULIA M. SECULOFF, hereinafter referred to as "Landowner" and the Water Works Department of the City of Fort Wayne, by and through the Mayor and the BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA, hereinafter referred to as "Utility"

WITNESSETH:

WHEREAS, Landowner is the owner of approximately 8.83 acres of real estate located on the West side of Olladale Drive, Fort Wayne, Indiana, said real estate having 1153 feet of frontage on Olladale Drive, which is adjacent to a water main constructed under Water Improvement Resolution No. 1020-80 and which property is further described as the property located on the west side of and adjacent to Olladale Drive, fron a point 195 feet north of the centerline of Spring Street northward a distance of 1153 feet, and located in the southwest one-quarter (¼) of Section 33, Township 31 North, Range 12 East (Washington Township), Allen County, Indiana, and

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana did pass Water Improvement Resolution No. 1020-80 for the construction of a water main on Olladale Drive, from Betty Avenue southward to Spring Street; and,

WHEREAS, the cost to the Utility for the share of the installation that would benefit Landowner, has been assessed at $20,799.23 and,

WHEREAS, Landowner is desirous of providing a method of payment other than through Barrett Law Assessments.

NOW, THEREFORE, it is agreed by the Utility and Landowner that the installation fee of $20,779.23 shall be initially financed by the Utility and the Utility will be reimbursed in the following manner:

1. The sum of $18.02 per front foot plus interest at the rate of 9% per year compounded from the date of execution of this agreement to the date of sale of any part of said real estate, will be paid to the Utility at the time of the sale of said part of said real estate by Landowner.
2. Payment in full plus 9% interest compounded annually from the date of execution of this agreement shall be made on or before ten years from date, excluding any payments made persuant to Item #1, above.
3. The terms and provisions of this agreement shall be binding upon the Land-

owner, its successors, nominees and assigns and shall run with the real estate and any subsequent sale or transfer of the real estate shall be subject thereto.

The above and foregoing Agreement and the terms thereof are accepted by both the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and the owner of the real estate.

In WITNESS WHEREOF, the parties and each of them have affirmed their signatures and seals hereto.

CITY OF ~~FORT~~ WAYNE, INDIANA

Win C. Moses, Jr., Mayor

BOARD OF PUBLIC WORKS

BY _____
Mark L. Akers - Chairman

BY: Roberta Anderson Staten
Roberta A. Staten - Member

BY: Betty R Collins
Betty R. Collins - Member

Julia M. Seculoff August 4, 1981
Julia M. Seculoff - Landowner

ATTEST:
Sandra E. Kennedy
Sandra E. Kennedy, Clerk

Approved as to form and legality

Associate City Attorney

STATE OF INDINA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public, in and for said County and State personally appeared Win C. Moses, Jr., Mayor, and ~~Mark L. Akers~~, Roberta A. Staten and Betty R. Collins, Chairman and Members respectively of the Board of Public Works of the City of Fort Wayne, Indiana, and Sandra E. Kennedy, Clerk of the Board of Public Works, who acknowledged the execution of the foregoing Agreement for water main installation fee payments, as and for their voluntary act and deed for the uses and purposes therein contained.

Witness my hand and notarial seal this 19th day of May, 1981.

My Commission Expires:
3-6-84

Anne J. Fox
Notary Public
Residing in Allen County

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public, in and for said County and State personally appeared Julia M. Seculoff, who acknowledged the execution of the foregoing Agreement for Water Main installation fee payments as and for her voluntary act and deed for the uses and purposes therein contained.

Witness my hand and notarial seal this 4th day of August, 1981.

My Commission Expires:
April 13 1982

Barbara L. Tatman
Notary Public BARBARA L. TATMAN
Residing in Allen County

This instrument prepared by:
Thomas J. Dixon, Esq.
Revised by:
D. L. Foland, P.E.

5407

TITLE OF ORDINANCE AGREEMENT FOR PAYMENT OF WATER MAIN INSTALLATION BETWEEN THE BOARD OF PUBLIC WORKS AND JULIA M. SECULOFF.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-81-08-31

SYNOPSIS OF ORDINANCE AGREEMENT FOR PAYMENT OF WATER MAIN INSTALLATION IS BETWEEN THE BOARD OF PUBLIC WORKS AND JULIA M. SECULOFF TO PROVIDE ANOTHER WAY OTHER THAN THROUGH BARRETT LAW ASSESSMENTS FOR THE INSTALLATION OF THE WATER MAIN ON OLLADALE DRIVE, FROM BETTY AVENUE SOUTHWARD TO SPRING STREET (WATER IMPROVEMENT RESOLUTION #1020-80)

EFFECT OF PASSAGE JULIA M. SECULOFF WILL HAVE TO PAY THE ASSESSMENT THROUGH BARRETT LAW.

EFFECT OF NON-PASSAGE THE ABOVE DESCRIBED AGREEMENT WILL NOT OCCUR.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) LANDOWNER(JULIA SECULOFF) HAS BEEN ASSESSED AT $20,799.23 AND SHALL BE INITIALLY FINANCED BY CITY UTILITIES AND THEN THE UTILITIES WILL BE REIMBURSED AS STATED IN THE AGREEMENT

ASSIGNED TO COMMITTEE

sa